### REVISED TABLE OF CLAIM TERMS

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

IONS INC., )	ff, )	) C. A. No. 05-486 (GMS)	Χ, ,	nt (
TEXTRON INNOVATIONS INC.,	Plaintiff,	<b>,</b>	THE TORO COMPANY,	Defendant

Defendant's Proposed Construction	Proposed Construction		Toro disagrees that the preamble phrase "gang-type	rotary lawn mower" is a limitation. A preamble	phrase in a claim is a limitation if it is necessary to	breathe life into the claim. Catalina Mktg. Int'1, Inc.	v. Coolsavings.com, Inc., 289 F.3d 801, 808 (Fed.	Cir. 2002). In this case the preamble is not required	to breathe life into any claim. Each claim provides	for a mower that has multiple decks, and as such, the	claim limitations explicitly define a "gang-type"	mower with blades rotating on a vertical spindle.		Alternatively, should the Court decide that it is a
Plaintiff's Proposed Construction	Proposed Construction		The preamble is relevant to the scope of the claim	and claim construction because it is a limitation on	the claimed invention. To determine whether the	preamble is relevant to claim construction the Court	reviews the body of the claim, the patent, and the	prosecution history.		The phrase "gang-type rotary lawn mower" as recited	in the claim preambles provides antecedence for	terms recited later in the claims, and thus is required	as a limitation. Furthermore, the patent specification	and prosecution history makes it clear that the claims
Claim Term	The Court must	determine whether	the preambles of	the independent	claims are	limitations. If so,	the term "gang-	type rotary lawn	mower" must be	construed by the	Court.		'530 Patent: <sup>1</sup>	claim 1
#	,_;									_				

For brevity, only independent claims are listed. By definition, all claims depending from the listed independent claims also include the claim terms in question.

<sup>&#</sup>x27;311 and '312 patents the line numbers are not exactly the same. Citations herein are made to the '530 patent. Finally, because the '312 patent is a continuation <sup>2</sup> The '311 and '312 patents' written description sections are identical to the '530 patent's written description. However, due to the "continuation" status of the in part, it add additional matter starting at Col. 5:10. Reference to the additional material in the '312 patent is cited thereto.

<u> </u>	\$211 Datant.		
	JII FAICIII.	are limited to such vehicles.	limitation, Toro believes it should be construed as
V 1 W C 1	claims 1, 2 and 10		follows: A mower having at least two cutting
	'312 Patent:	The words "gang-type rotary lawn mower" use their	devices of the rotary type.
	claims 1, 19 and	ordinary and accustomed meaning and require no	
	24	construction by the Court. However, if the Court	Intrinsic Evidence
		determines that they do require construction, "gang-	
		type rotary lawn mower" means: a lawn mower	Specification: <sup>3</sup>
		having a rotary gang-type mower configuration.	
		Intrinsic Evidence	Background of the Invention:
		Patent Specifications: <sup>2</sup>	"A gang of reels can be either attached directly to the frame on which the operator rides, or nulled behind a
		'530 Patent, Title: "Gang-Type Rotary Lawn Mower"	tractor. Pull-behind or tow-behind rotary gangs are also known. These can be driven either by a power
		'530 Patent col. 1, ll. 4-5: "This invention relates to	takeoff or by a separate engine." Col. 1:10-14.
		rotary lawn mowers and to gang-type lawn mowers."	Summary of the Invention:
		'530 Patent col. 1, Il. 22-23: "The invention provides a gang-type rotary lawn mower suitable for cutting a golf course rough."	"The lawn mower has single-spindle cutting decks attached directly to the frame on which the operator rides, with a front row of two or more cutting decks
		'530 Patent col. 1, Il. 38-44: "More particularly, the	in front of the front wheels, and with a rear row of
		invention provides a gang-type rotary lawn mower comprising a frame supported by front and rear	one or more cutting decks between the front and rear wheels." Col. 1:26-31.
		wheels, an operator's seat mounted on the frame, at least two side-by-side front cutting deck assemblies	"More particularly, the invention provides a gang-
		mounted on the frame in front of the front wheels,	type rotary lawn mower comprising a frame
		and at least one rear cutting deck assembly mounted on the frame behind the front wheels and in front of	supported by front and rear wheels, an operator's seat mounted on the frame, at least two side-by-side front
		the rear wheels."	cutting deck assemblies mounted on the frame in front of the front wheels, and at least one rear cutting

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<sup>3</sup> The '311 and '312 patents' written description sections are identical to the '530 patent's written description. However, due to the "continuation" status of the '311 and '312 patents the line numbers are not exactly the same. Citations herein are made to the '530 patent. Finally, because the '312 patent is a continuation in part, it add additional matter starting at Col. 5:10. Reference to the additional material in the '312 patent is cited thereto.

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#	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
		'530 Patent Figure 1: Illustrating a gang-type lawn mower.	deck assembly mounted on the frame behind the front wheels and in front of the rear wheels." Col. 2:38-44.
		Prosecution Histories:	Description of the Drawings:
		'530 Patent Prosecution History	Figure 1 is incorporated herein.
		Amendment of Apr. 29, 1999 at 5-6: Applicant distinguished invention over prior art based, in part,	Description of the Preferred Embodiment:
		on the fact that it claims a gang-type rotary mover	"The lawn mower 10 further comprises front and rear
		Declaration Under Rule 132 dated Nov. 4, 1999 at 4: Applicant submitted Declaration of Richard Bednar describing invention in context of using gang-	assemblies 34. More particularly, in the illustrated construction, the lawn mower 10 has three side-by-
		type rotary mowers to cut golf course roughs, and referring to invention as a "Gang-Type Rotary Mower."	front wheels 14, and two rear cutting deck assemblies 34 behind the front wheels 14 and in front of the rear wheels 16. As is brown in the art.
		Amendment of Nov. 4, 1999 at 1: "Claim 1 specifies a gang-type rotary lawn mower comprisinga rear	assembly 34 is aligned with the gap between two adjacent front deck assemblies 34." Col. 2:64 – Col. 3:5.
		ground, the deck having a width such that the roller extends across substantially the entire width of the	Claims:
		deck."	'530 Patent:
·····			Claim 1 (relevant representative portions):
			"at least two side-by-side front rotary cutting deck assemblies mounted on the frame in front of the front wheels, the front deck assemblies defining a gap between adjacent front deck assemblies, and
			at least one rear rotary cutting deck assembly mounted on the frame behind the front deck assemblies and between the front and rear wheels,

##	Claim Torm	Plaintiff's Proposed Construction	Defendant's Pronosed Construction
-			each rear deck assembly being aligned with a respective gap between adjacent front deck assemblies," Col. 1:50-58.
6.7	"front and rear	Proposed Construction	Proposed Construction
	4 10013	The words in this phrase use their ordinary and	At least two front wheels and at least two rear
	530 Patent:	accustomed meaning and require no construction by the Court. However, if the Court determines that	wheels.
	'311 Patent:	they do require construction, "front and rear wheels"	Intrinsic Evidence
	claims 2 and 10 '312 Patent:	wheel.	Specification:
	none	Intrinsic Evidence	Summary of the Invention:
		The phrase "front and rear wheels" has no special meaning in the art of lawn mowers. As such, the Plaintiff's proposed construction adopts the ordinary meaning of this phrase. The use of the word "wheels" indicates that there must be at least two wheels. The use of the words "front" and "rear" indicates that the claimed "wheels" must be located	"The lawn mower has single-spindle cutting decks attached directly to the frame on which the operator rides, with a front row of two or more cutting decks in front of the front wheels, and with a rear row of one or more cutting decks between the front and rear wheels." Col. 1:27-31
		at the front and rear of the vehicle. Because there are at least two wheels, and because they must be located at the front and the rear of the vehicle, there must be at least one front wheel, and at least one rear wheel.	"the invention provides a gang-type rotary lawn mower comprising a frame supported by front and rear wheels, an operator's seat mounted on the frame, at least two side-by-side front cutting deck
		This is consistent with the ordinary meaning of the claim. For example, a bicycle has "front and rear wheels."	assemblies mounted on the frame in front of the front wheels, and at least one rear cutting deck assembly mounted on the frame behind the front wheels and in
		Patent Specifications:	front of the rear wheels." Col. 1:38-44
		The '530 and '311 Patents disclose four-wheeled	Description of the Drawings:

	Plaintiff's Proposed Construction vehicles, see, e.g., '530 Patent Fig. 1, and the '312	Defendant's Proposed Construction
	patent further discloses a three-wheeled vehicle. See, e.g., '312 Patent Fig. 12. These configurations are exemplary. See '530 Patent, col. 2, 11. 25-34.	Figures 1, 7, and 8 are incorporated herein by reference.
		Detailed Description of the Preferred Embodiment:
		"The lawn mower 10 comprises a frame 12 (partially shown in FIGS. 2-5) supported by front wheels 14 and rear wheels 16 for movement over the ground." Col. 2:45-48.
		"the steering system is hydraulic and is connected to the rear wheels 16 to steer the lawn mower 10." Col. 2:61-63.
		"More particularly, in the illustrated construction, the lawn mower 10 has three side-by-side front cutting deck assemblies 34 in front of the front wheels 14, and two rear cutting deck assemblies 34 behind the front wheels 14 and in front of the rear wheels 16." Col. 2:65-Col. 3:3.
		Patent Claims:
		'530 Patent:
		Claim 1 (relevant representative portions):
		"a frame supported by front and rear wheels for movement over the ground" Col. 4:41-44.
		"at least one rear rotary cutting deck assembly mounted on the frame behind the front deck assemblies and between the front and rear wheels"

	Col. 4:54-56.   Claim 2 (relevant representative portions):	"A lawn mower as set forth in claim 1 wherein the front deck assemblies are mounted on the frame in	front of the front wheels, and the rear deck assembly is mounted on the frame behind the front wheels and in front of the rear wheels." Col. 5:1-4.	'312 Patent:	Claim 1 (relevant representative portions):	"a frame supported by front wheels and at least one rear wheel for movement over the ground;" Col. 8:20-21.	Proposed Construction	/ and A cutting unit having laterally-spaced, generally ruction by vertically-extending side plates, a cross member	,	ig deck extending between and supporting the side plates, $\frac{ck}{guished}$ and a single spindle rotary deck mounted between the guished side plates.		Intrinsic Evidence	Patent Specification:	wn Mower"   Summary of the Invention:	relates to "The invention also provides an improved
Plaintiff's Proposed Construction							Proposed Construction	The words in this phrase use their ordinary and accustomed meaning and require no construction by	the Court. However, if the Court determines that	they do require construction, "rotary cutting deck assemblies/assembly" means: $\underline{a \ cutting \ deck}$ assembly that has a rotary blade, as distinguished	from a reel blade.	Intrinsic Evidence	Patent Specifications:	'530 Patent, Title: "Gang-Type Rotary Lawn Mower"	'530 Patent col. 1, 11. 4-5: "This invention relates to
# Claim Term							3. "rotary cutting deck assemblies /	assembly,	'530 Patent:	claim 1 <u>'311 Patent</u> : claims 1, 2 and 10	'312 Patent:	claims 1 and 24			

#	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
		'530 Patent col. 1, 11. 6-20: Describing and	lifting arm so that the deck can move vertically
		distinguishing between "reel" mowers and "rotary"	<u>o</u>
		mowers.	frame about three mutually perpendicular axes." Col.
			1:31-37.
		'530 Patent col. 1, 1l. 22-56: Describing the	
		invention as being a "gang-type rotary lawn mower"	"More particularly, the invention provides a gang-
		and distinguishing the same from "reel" mowers.	type rotary lawn mower comprising Each of the
		'530 Patent col. 3, Il. 45-65: Describing the cutting	non and rear deck assemblies includes a pair of
		deck, and explaining that deck blades may be like	nates. front wheels supporting the side plates for
		those shown in an application entitled "Rotary Lawn	movement over the ground, and a rear roller
		Mower Mulching Deck," corresponding to U.S.	extending between the side plates and supporting the
		Patent Application Ser. No. 08/787,382.	side plates for movement over the ground. Each deck
		'530 Patent Figs 2-6: showing perspective, top plan	assembly also includes a single-spindle cutting deck
		side elevational, rear elevational, and cross-sectional	located between the side plates and in front of the
	<b></b>	section view of the "cutting deck assembly."	that the height of the deck relative to the ground is
		December Histories.	adjustable. The roller extends across substantially the
		T TOSECULOR THIS TOTAL	entire width of the deck." Col. 1:38-55.
		'530 Patent Prosecution History	"A proce mampar is mountad on the outer and of the
			A MOSS INCLUDED IS INCUMINED ON THE ORIGINAL OF THE
		Office Action of Apr. 13, 1998 at 5: Examiner distinguishing claims as being drawn towards "rotary	lifting arm for pivotal movement about a generally vertical axis and about a generally horizontal axis
		cutting assembly instead of a reel-type cutting	extending in the forward-rearward direction. One end
		assembly"	of the cross member is connected to one of the deck
		Office Action of Jan. 29, 1999 at 2-3: Examiner	assembly side plates for pivotal movement about a generally horizontal, laterally-extending axis adjacent
		citing to Mountfield reference as being a "rotary	the forward ends of the side plates, and the other end
		blade mower" and suggesting modifying the reel	of the cross member is connected to the other side
		mower disclosed in the Smith reference (5,297,378)	plate for pivotal movement about the same axis."
		to include "a plurality of rotary blade assemblies."	Col. 1:62 - Col. 2:3.
		Amendment of Nov. 4, 1999 at 1: "Claim 1 specifies	"This construction enables the lawn mower to cut the
		a gang-type rotary lawn mower comprisinga rear	undulating terrain of a golf course rough and to be
		TOTICS SUPPORTING THE ACCENTAGE WILLIAM OVER THE	connolled for close uniming. Col. 2:4-0.

#	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
		ground, the deck having a width such that the roller extends across substantially the entire width of the deck "	Description of the Drawings:
		Amendment of Nov. 4. 1999 at 2: Describing	Figures 1-6 are incorporated herein by reference.
		invention as being a rotary mower, as distinguished from a "reel" type mower.	Description of The Preferred Embodiment:
		Amendment of Nov. 4, 1999 at 2: "Applicant has	"Each of the cutting deck assemblies 34 includes (see FIGS. 2-5) a single-spindle mulching deck 38
		invented a lawn mower that is, as explained in the Summary of the invention portion of Applicant's	defining a downwardly opening space 42 (FIG. 4). The deck 38 is located between and supported by a
		specification, a tremendous improvement over the	pair of laterally-spaced, generally vertically-
		required substantially less maintenance than a reel	extending side plates 40 and 48. The term Tateral is used herein to mean the direction from one side of
		mower."	the lawn mower to the other, i.e., perpendicular to the forward-rearward direction. Two front wheels 50
			rotate about an axle 54 (FIGS. 2 and 3) extending
			38, such that each front wheel 50 supports one of the
			side plates 46 and 48 and the deck 38 for movement
			over the ground. A real roller to extends between the side plates 46 and 48 and also supports the side plates
			46 and 48 and the deck 38 for movement over the
			extends across substantially the entire width of the
			deck 38. The roller 58 resists scalping and stripes the grass." Col. 3:5-21.
			'312 Patent:
			"With reference to FIG. 7, an alternate lawn mower embodiment is depicted at reference numeral 150. It
			common components and functions substantially similarly to lawn mower 10. Accordingly, similar

Defendant's Proposed Construction	components will be identified with like reference numerals. Lawn mower 150 preferably includes three side-by-side front cutting deck assemblies 34 in front of the wheels 14 and two rear cutting deck assemblies 152 positioned between the front wheels 14 and in front of the rear wheels 16." Col. 5:10-20.	Patent Claims:	'530 Patent:	Ciaim i (reievain representative portions):	"at least two side-by-side front rotary cutting deck assemblies mounted on the frame in front of the front wheels, the front deck assemblies defining a gap between adjacent front deck assemblies, and	at least one rear rotary cutting deck assembly mounted on the frame behind the front deck assemblies and between the front and rear wheels, each rear deck assembly being aligned with a respective gap between adjacent front deck	Proposed Construction	Attached directly to the frame so that the deck can move vertically relative to the frame and can pivot	relative to the frame about three mutually perpendicular axes.	Intrinsic Evidence	Patent Specification
Plaintiff's Proposed Construction							Proposed Construction	The words in this phrase use their ordinary and accustomed meaning and require no construction by	the Court. However, if the Court determines that they do require construction, "mounted on the frame" means: <i>connected to the frame</i> .	This limitation does not recite, and therefore does not	require: attachment directly to the frame; the ability to move vertically relative to the frame; the ability to
# Claim Term							4. "mounted on the	trame" '530 Patent:	claim 1 '311 Patent: claims 1, 2 and 10	'312 Patent:	

#	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
	**************************************	pivot relative to the frame about three mutually	Summary of the Invention:
		perpendicular axes, or any one anterior. Impirations.	The '530, '311 and '312 patents all have the same
			Summary of the Invention section of the patent,
		Intrinsic Evidence	which is the inventor's own description of the scope
		Patent Specifications:	of his invention.
		'530 Patent Claim 3 (col. 5, 11, 5-9): "3. A lawn	"The lawn mower has single-spindle cutting decks attached directly to the frame on which the operator
		mower as set forth in claim 1 wherein each deck	rides, with a front row of two or more cutting decks
		assembly is <i>connected to the frame</i> by a respective lifting arm operable to lift the associated deck	in front of the front wheels, and with a rear row of
		assembly relative to the frame, such that each of the	wheels." Col. 1:26-31.
		deck assemblies is connected by its own inting annuate the frame."	* * * * * * * * * * * * * * * * * * * *
		to the reality.	"The invention also provides an improved
		'530 Patent Abstract: "A gang-type rotary lawn	arrangement for mounting a rotary cutting deck on a
		mower including a power source which is	lifting arm so that the deck can move vertically
		mounted on the framean operator's seat mounted   on the frameat least two side-by-side front rotary	relative to the frame and can pivot relative to the
		cutting deck assemblies mounted on the frame, at	Irame about three mutually perpendicular axes. Col. 1.31-37
		least one rear rotary cutting deck assembly mounted	1.71-77.
		on the frame at least one cutting blade mounted on	"Each deck assembly is connected to the frame by a
		יויב אלוומוב	generally L-shaped, horizontally-extending lifting
		'530 Patent Fig. 1: Illustrating deck assemblies (34)	frame Fach deck assembly relative to the
		mounted on a lawn mower frame (12).	by its own lifting arm. Each lifting arm has an inner
		'530 Patent col. 1, 11. 34-37: "Each deck is mounted	end pivotally connected to the frame. A cross
		on its own lifting arm so that the deck can move	member is mounted on the outer end of the lifting
		vertically relative to the frame and can pivot relative	arm for pivotal movement about a generally vertical
		to the frame about three mutually perpendicular	axis and about a generally morreount axis extending in the forward-rearward direction. One end of the
·····		axes."	cross member is connected to one of the deck
		'530 Patent col. 1, II. 38-44: "More particularly, the	assembly side plates for pivotal movement about a
	***************************************	invention provides a gang-type rotary lawn mower	generally horizontal, laterally-extending axis adjacent

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E			the forward ends of the side plates, and the other end
		frame, at least two side-by-side front cutting deck	of the cross member is connected to the other side
		assemblies mounted on the frame in front of the front	plate for pivotal movement about the same axis."
		wheels, and at least one rear cutting deck assembly	Col. 1:57-Col. 2:3.
		mounted on the frame behind the front wheels and in	
		front of the rear wheels."	"This construction enables the lawn mower to cut the
			undulating terrain of a golf course rough and to be
		'530 Patent col. 1, II. 50-54: "Each deck assembly	controlled for close trimming." Col. 2:4-6.
		also includes a single-spindle cutting deck located	
		between the side plates and in front of the roller, the	Description of the Drawings:
-		deck being mounted on the side plates such that the	
		height of the deck relative to the ground is	Figures 2-6 show the cutting decks of the invention
		adjustable."	as described in the summary of the invention.
		'530 Patent col. 1, II. 57-65: "Each deck assembly is	Description of The Preferred Embodiment:
		connected to the frame by a generally L-shaped,	
		horizontally-extending lifting arm operable to lift the	"The connection of the deck 38 to the arm 112 via the
		deck assembly relative to the frame. Each deck	cross member 128 allows the deck 38 to pivot
		assembly is connected to the frame by its own lifting	relative to the frame 12 about the three mutually
		arm A cross member is mounted on the outer end	perpendicular axes 132, 136 and 144. This mounting
		of the lifting arm for pivotal movement about a	arrangement enables the deck 38 to adjust to
		generally vertical axis and about a generally	undulating terrain, thereby substantially avoiding
	AAAAAIII	horizontal axis extending in the forward-rearward direction."	scalping." Col. 4:26-31.
	***************************************		"Each of the deck assemblies 34 is mounted on the
		'530 Patent col. 3, 11. 23-35: "The deck 38 is mounted	frame 12 by a generally L-shaped, horizontally-
			extending lifting arm 112, such that each deck
		the deck 38 relative to the ground is adjustable."	assembly is mounted on its own lifting arm 112. The
		(520 Detent 201 2 11 51 57: "A not of mitting blodge	lifting arm 112 has (see FIGS. 2 and 3) a laterally-
		is mounted on the spindle 84 for rotation therewith."	extending inner leg 116 with an inner end connected
		4	to the frame 12 for pivotal movement about a
···			generally horizontal axis 120 extending in the
		deck assemblies 34 is mounted on the frame 12 by a	outer lea 124 extending in the forward-rearward
		generally L-shaped, horizontally-extending lifting	direction. A cross member 128 is mounted on the
	***************************************	arm 112, such that each deck assembly is inounied on	and the state of t

#	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
		its own lifting arm 112. The lifting arm 112 has (see FIGS, 2 and 3) a laterally-extending inner leg 116	outer end of the outer leg 124 for pivotal movement about a generally vertical axis 132 and about a
		with an inner end connected to the frame 12 for	generally horizontal axis 136 extending in the
		pivotal movement about a generally horizontal axis	forward-rearward direction. Each of the opposite,
		120 extending in the forward-rearward direction. The arm 112 also has an outer leg 124 extending in the	laterally-spaced ends of the cross member 128 has thereon (see FIGS. 2, 3, 5 and 6) a downwardly and
		forward-rearward direction A cross member 128	slightly rearwardly extending arm 140. The lower
		is mounted on the outer end of the outer leg 124 for	end of one arm 140 is connected to the side plate 46
		pivotal movement about a generally vertical axis 132	for pivotal movement about a generally horizontal,
		and about a generally norizontal axis 136 extending in the forward-rearward direction."	ends of the side plates 46 and 48. The lower end of
		.530 Patent Claim 1 (col. 4, 1, 44): "a power source	the other arm 140 is connected to the side plate 48 for pivotal movement about the axis 144." Col. 3:66-
		which is mounted on the frame?	Col. 4:19
		'530 Patent Claim 1 (col. 4, l. 46): "an operator's seat mounted on the frame"	"A hydraulic assembly 148 (partially shown only in FIG. 5) connected between the arm 112 and the
		'530 Patent Claim 1 (col. 4, II. 50-51): "at least two	frame 12 pivots the arm about the axis 120 for lifting an d Isicl lowering the deck 38. When the deck is
		side-by-side front rotary cutting deck assemblies mounted on the frame in front of the front wheels"	lowered for cutting, the hydraulic assembly allows the lifting arm to "float." thereby allowing the deck
		'530 Patent Claim 1 (col. 4, II. 54-55): "at least one	38 to move vertically relative to the frame 12." Col. 4:20-26.
		rear rotary cutting deck assembly mounted on the frame behind the front deck assemblies and between	'312 Patent:
		the iront and rear wheels	
		'530 Patent Claim 1 (col. 4, 11. 62-64): "at least one cutting blade mounted on the spindle for rotation therewith."	In addition to that described in the '530 and '311 patent specification, the '312 patent includes additional language.
		'530 Patent Claim 2 (col. 5, 1l. 1-4): "2. A lawn	"Each of the deck assemblies includes a lifting arm
		mower as set forth in claim 1 wherein the front deck assemblies are mounted on the frame in front of the	assemblies with frame 12. Each lifting arm 176
		front wheels, and the rear deck assembly is mounted on the frame behind the front wheels and in front of	includes a first end 178 pivotally coupled to deck 160 and a second end 180 pivotally coupled to frame 12.
			And the second s

#	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
	THE PARTY OF THE P	the rear wheels."	Specifically, first end 178 cooperates with a pin 182
	, ,	'530 Patent Claim 3 (col. 5, 11. 5-9): "3. A lawn	to define an axis of rotation 184 extending laterally
			across deck 160 perpendicular to the forward-
		assembly is connected to the frame by a respective	rearward direction of travel. Pin 182 rotatably
	···	lifting arm operable to lift the associated deck	couples second end 180 to a bracket 186. Bracket 186
		assembly relative to the frame, such that each of the	is in turn pivotally coupled to a pair of stantions 188
		deck assemblies is connected by its own lifting arm	extending from deck 160. A second pin 190 rotatably
		to the frame."	interconnects bracket 186 and stantions 188 for
			rotation about an axis 192 longitudinally extending in
		'530 Patent Claim 4 (col. 5, II. 18-22): "wherein the	the forward-rearward direction of the mower 154."
		associated deck is located between the side plates and	Col. 5:66-Col. 6:12.
		in front of the roller and is mounted on the side plates	
		such that the height of the deck relative to the ground	Background of the Invention:
		is adjustable by changing the position of the deck	•
		relative to the side plates"	"Historically, reel mowers have been used to cut golf
			course roughs. It is generally recognized that rotary
		'312 Patent col. 7, ll. 62-65: "Rear roller assembly	mowers are better suited for cutting tall grass, where
		310 also includes an inboard set of rollers 318	scalping is not a problem, while reel mowers are
		positioned between side plates 314 and 316 and	better for shorter cutting." Col. 1:7-10.
		rotatably mounted on a stepped axle shaft 320."	
			"Thus, rotary mowers have not been used to cut golf
		Claim Differentiation:	course roughs, which require close trimming and the
		The interpretation of the term "mounted on the	ability to cut undulating terrain at a relatively short
		frame" is further elucidated, under the doctrine of	lengui. Col. 1.17-20.
		claim differentiation, by referring to other claims of	Patent Claims:
		the patents-in-suit.	
		'530 Patent Claim 7: Unasserted claim 7 recites that	'530 Patent:
		the cutting deck assemblies are "mounted on the	Claim 1 (representative relevant portions):
		Irame, and separately luriner recites that they are	•
		nivotal movement about a generally vertical axis	"at least two side-by-side front rotary cutting deck
		obout a generally horizontal axis extending in the	assemblies mounted on the frame in front of the
		forward-rearward direction are about a generally	front wheels, the front deck assemblies defining a gap
		horizontal, laterally-extending axis. See '530 Patent,	between adjacent front deck assemblies," Col. 4:50-

col. 5, 1. 55 - col. 6, 1. 16. The separate, additional recitation of structures to provide certain pivoing capabilities demonstrates that the term "mounted on the frame" does not, in and of itself, include these limitations, because if it did, claim 7 would be redundant.  "and deed assembly is connected to the frame in part by a cross member connected to the frame for private movement about a generally vertical axis and about a generally horizontal axis extending in the forward-rearward direction, the cross member thaving poposite, laterally-spaced ends, one of the cross member made by a cross member thaving a movement about a generally vertical axis and about a generally horizontal axis extending in the forward-rearward direction, the cross member thaving a connected to one of the sude places of the associated deek assembly for pivotal movement about the generally horizontal, laterally-extending axis, adjacent the forward ends of the connected to the other of the cross member ends being connected to the other of the side plates of the associated deek assembly for pivotal movement about the generally horizontal, laterally-extending axis, and the lower end of the other of the arms being connected to the other of the side places for pivotal movement about the generally horizontal, laterally-extending axis, and the lower end of the other of the arms being connected to the other of the arms being connected to the other of the arms having therefore the arms being connected to the other of the arms that the arms	# Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
		col. 5, 1, 55 - col. 6, 1, 16. The separate, additional	53.
does not, in and of itself, include these, because if it did, claim 7 would be		capabilities demonstrates that the term "mounted on	Claim 7 (representative relevant portions):
, because if it did, claim 7 would be		the frame" does not, in and of itself, include these	
		limitations, because if it did, claim 7 would be	"each deck assembly is connected to the frame in par
generally horizontal axis extending in the forward- rearward direction, the cross member having opposite, laterally-spaced ends, one of the cross member ends being connected to one of the side plates of the associated deck assembly for pivotal movement about a generally horizontal, laterally- extending axis adjacent the forward ends of the side plates, and the other of the cross member ends bein connected to the other of the cross member ends being plates, and the other of the cross member ends bein connected to the other of the plates of the associated deck assembly for pivotal movement about the generally horizontal, laterally-extending axis, the ends of the cross member having theroon respective downwardly extending arms, the arms having respective downwardly extending arms, the arms having respective lower ends, the lower end of one the arms being connected to one of the side plates ip pivotal movement about the generally horizontal, laterally-extending axis, and the lower end of the other of the arms being connected to the other of the side plates for pivotal movement about the generall horizontal, laterally-extending axis," Col. 5:62-Co 6:17.  Prosecution History  Paper 4, pp. 4-6.		redundant.	by a cross member connected to the traine for pivotal
rearward direction, the cross member having orposite, laterally-spaced ends, one of the cross member rates being connected to one of the side plates of the associated deck assembly for pivotal movement about a generally horizontal, laterally-extending axis adjacent the forward ends of the side plates, and the other of the cross member ends bein connected to the other of the cross member ends being connected to the other of the side plates of the associated deck assembly for pivotal movement about the generally horizontal, laterally-extending axis, the ends of the cross member having thereon respective downwardly extending ams, the arms having respective downwardly extending ams, the arms having respective lower ends, the lower end of one the arms being connected to one of the side plates fip pivotal movement about the generally horizontal, laterally-extending axis, and the lower end of the other of the arms being connected to the other of the side plates for pivotal movement about the generall horizontal, laterally-extending axis." Col. 5:62-Co 6:17.  Prosecution History  Paper 4, pp. 4-6.			generally horizontal axis extending in the forward-
nember ends being commercted to one of the cross member ends being connected to one of the side plates of the associated deck assembly for pivotal movement about a generally horizontal, laterally—extending axis adjacent the forward ends of the side plates, and the other of the cross member ends bein connected to the other of the cross member ends bein connected to the other of the side plates of the associated deck assembly for pivotal movement about the generally horizontal, laterally—extending axis, the ends of the cross member having thereon respective lower ends, the lower end of one the arms being connected to one of the side plates f pivotal movement about the generally horizontal, laterally—extending axis, and the lower end of the other of the side plates for pivotal movement about the generally horizontal, laterally—extending axis, and the lower end of the other of the side plates for pivotal movement about the generall horizontal, laterally—extending axis." Col. 5:62-Co 6:17.  Prosecution Histories:  **Prosecution Histories:  **Prosecution Histories:  **Prosecution Histories:  **Prosecution Histories:  **Prosecution History  **Prosecution Histor			rearward direction, the cross member having
member entits being connected to one of the side plates of the associated deck assembly for pivotal movement about a generally horizontal, laterally-extending axis adjacent the forward ends of the side plates, and the other of the cross member ends bein connected to the other of the side plates of the associated deck assembly for pivotal movement about the generally horizontal, laterally-extending axis, the ends of the cross member having thereon respective downwardly extending arms, the arms having respective lower ends, the lower end of one the arms being connected to one of the side plates of pivotal movement about the generally horizontal, laterally-extending axis, and the lower end of the other of the arms being connected to the other of the side plates for pivotal movement about the generally horizontal, laterally-extending axis." Col. 5:62-Co 6:17.  Prosecution Histories:  '530 Patent Prosecution History  Paper 4, pp. 4-6.			opposite, laterally-spaced ends, one of the cross
pares of the associated deck assembly for protein movement about a generally horizontal, laterally-extending axis adjacent the forward ends of the side plates, and the other of the cross member ends bein connected to the other of the side plates of the associated deck assembly for pivotal movement about the generally horizontal, laterally-extending axis, the ends of the cross member having thereon respective downwardly extending arms, the arms having respective lower ends, the lower end of one the arms being connected to one of the side plates f pivotal movement about the generally horizontal, laterally-extending axis, and the lower end of the other of the arms being connected to the other of the side plates for pivotal movement about the generally horizontal, laterally-extending axis, and the lower end of the other of the side plates for pivotal movement about the generall horizontal, laterally-extending axis." Col. 5:62-Co 6:17.  Paper 4, pp. 4-6.			member ends being connected to one of the side
extending axis adjacent the forward ends of the side plates, and the other of the cross member ends bein connected to the other of the side plates of the associated deck assembly for pivotal movement about the generally horizontal, laterally-extending axis, the ends of the cross member having thereon respective downwardly extending arms, the arms having respective lower ends, the lower end of one the arms being connected to one of the side plates pivotal movement about the generally horizontal, laterally-extending axis, and the lower end of the other of the arms being connected to the other of the side plates for pivotal movement about the generally horizontal, laterally-extending axis." Col. 5:62-Co 6:17.  Prosecution Histories:  **S30 Patent Prosecution History  Paper 4, pp. 4-6.			plates of the associated deck assembly for pivotal movement about a generally horizontal, laterally-
plates, and the other of the cross member ends bein connected to the other of the side plates of the associated deck assembly for pivotal movement about the generally horizontal, laterally-extending axis, the ends of the cross member having thereon respective downwardly extending arms, the arms having respective lower ends, the lower end of one the arms being connected to one of the side plates f pivotal movement about the generally horizontal, laterally-extending axis, and the lower end of the other of the side plates for pivotal movement about the generall horizontal, laterally-extending axis." Col. 5:62-Co 6:17.  Prosecution History  Paper 4, pp. 4-6.			extending axis adjacent the forward ends of the side
connected to the other of the side plates of the associated deek assembly for pivotal movement about the generally horizontal, laterally-extending axis, the ends of the cross member having thereon respective downwardly extending arms, the arms having respective lower ends, the lower end of one the arms being connected to one of the side plates fpivotal movement about the generally horizontal, laterally-extending axis, and the lower end of the other of the arms being connected to the other of the side plates for pivotal movement about the generally horizontal, laterally-extending axis." Col. 5:62-Co 6:17.  Prosecution History  Paper 4, pp. 4-6.	-		plates, and the other of the cross member ends being
associated deck assembly for pivotal movement about the generally horizontal, laterally-extending axis, the ends of the cross member having thereon respective downwardly extending arms, the arms having respective lower ends, the lower end of one the arms being connected to one of the side plates f pivotal movement about the generally horizontal, laterally-extending axis, and the lower end of the other of the arms being connected to the other of the side plates for pivotal movement about the generall horizontal, laterally-extending axis." Col. 5:62-Co 6:17.  Prosecution History  Paper 4, pp. 4-6.			connected to the other of the side plates of the
about the generally horizontal, laterally-extending axis, the ends of the cross member having thereon respective downwardly extending arms, the arms having respective lower ends, the lower end of one the arms being connected to one of the side plates f pivotal movement about the generally horizontal, laterally-extending axis, and the lower end of the other of the side plates for pivotal movement about the generall horizontal, laterally-extending axis." Col. 5:62-Co 6:17.  Prosecution Histories:  **Side Platest Prosecution History**  Paper 4, pp. 4-6.			associated deck assembly for pivotal movement
axis, the ends of the cross member having thereon respective downwardly extending arms, the arms having respective lower ends, the lower end of one the arms being connected to one of the side plates fpivotal movement about the generally horizontal, laterally-extending axis, and the lower end of the other of the arms being connected to the other of the side plates for pivotal movement about the generall horizontal, laterally-extending axis." Col. 5:62-Co 6:17.  Prosecution Histories:  '530 Patent Prosecution History  Paper 4, pp. 4-6.			about the generally horizontal, laterally-extending
respective downwardly extending arms, the arms having respective lower ends, the lower end of one the arms being connected to one of the side plates f pivotal movement about the generally horizontal, laterally-extending axis, and the lower end of the other of the arms being connected to the other of the side plates for pivotal movement about the generall horizontal, laterally-extending axis." Col. 5:62-Co 6:17.  Prosecution History  1530 Patent Prosecution History  Paper 4, pp. 4-6.			axis, the ends of the cross member having thereon
the arms being connected to one of the side plates f pivotal movement about the generally horizontal, laterally-extending axis, and the lower end of the other of the arms being connected to the other of the side plates for pivotal movement about the generall horizontal, laterally-extending axis." Col. 5:62-Co 6:17.  Prosecution Histories:  *530 Patent Prosecution History  Paper 4, pp. 4-6.			respective downwardly extending arms, the arms
the arms being connected to one of the side plates pivotal movement about the generally horizontal, laterally-extending axis, and the lower end of the other of the arms being connected to the other of th side plates for pivotal movement about the generall horizontal, laterally-extending axis." Col. 5:62-Co. 6:17.  Prosecution History  Paper 4, pp. 4-6.			having respective lower ends, the lower end of one o
pivotal movement about the generally horizontal, laterally-extending axis, and the lower end of the other of the arms being connected to the other of th side plates for pivotal movement about the generall horizontal, laterally-extending axis." Col. 5:62-Co. 6:17.  Prosecution Histories:  **530 Patent Prosecution History  Paper 4, pp. 4-6.			the arms being connected to one of the side plates for
other of the arms being connected to the other of the side plates for pivotal movement about the generall horizontal, laterally-extending axis." Col. 5:62-Co. 6:17.  Prosecution Histories:  '530 Patent Prosecution History  Paper 4, pp. 4-6.			pivotal movement about the generally horizontal,
side plates for pivotal movement about the generall horizontal, laterally-extending axis." Col. 5:62-Co. 6:17.  Prosecution History  '530 Patent Prosecution History  Paper 4, pp. 4-6.			other of the arms being connected to the other of the
horizontal, laterally-extending axis." Col. 5:62-Col. 6:17.  Prosecution Histories:  '530 Patent Prosecution History  Paper 4, pp. 4-6.			side plates for pivotal movement about the generally
Prosecution Histories:  '530 Patent Prosecution History Paper 4, pp. 4-6.			horizontal, laterally-extending axis." Col. 5:62-Col.
Prosecution Histories:  '530 Patent Prosecution History Paper 4, pp. 4-6.			6:17.
Prosecution Histories:  '530 Patent Prosecution History Paper 4, pp. 4-6.			
*530 Patent Prosecution History Paper 4, pp. 4-6.			Prosecution Histories:
Paper 4, pp. 4-6.			'530 Patent Prosecution History
			Paper 4, pp. 4-6.

Filed 08/15/2006

#	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
			Paper 6.
5.	"deck defining a	Proposed Construction	Proposed Construction
	opening space"	The words in this phrase use their ordinary and accustomed meaning and require no construction by	A deck defined by a continuous solid vertical wall of uniform height open on the bottom.
	'530 Patent:	the Court. However, if the Court determines that they do require construction "deck defining a	Intrincio Evidonoo
	'311 Patent:	downwardly opening space" means: the deck has a	
	claims 1 and 2	downwardly opening space.	Specification:
	1312 Fatent: claims 1, 19 and	This limitation does not recite, and therefore does not require: a continuous solid vertical wall open at the	Description of the Drawings:
	<b>+</b>	bottom; a wall of uniform height; or any other unrecited limitations.	Figures 2-6 are incorporated herein.
		Intrinsic Evidence	Description of the Preferred Embodiment:
		Patent Specifications:	"Each of the cutting deck assemblies 34 includes (see FIGS. 2-5) a single-spindle mulching deck 38
	200	<u>'530 Patent Abstract</u> : "each of the front and rear deck assemblies including a single-spindle mulching	defining a downwardly opening space 42 (FIG. 4)." Col. 3:6-8.
		deck defining a downwardly opening space, a single spindle mounted for rotation about a generally vertical axis within the space"	A single spindle 84 (FIG. 4) is mounted for rotation about a generally vertical axis within the space 42 defined by the deck 38. Col. 3:44-46.
		<u>'530 Patent col. 3, ll. 6-8</u> : "Each of the cutting deck assemblies 34 includes (see FIGS. 2-5) a single-spindle mulching deck 38 defining a downwardly	A set of cutting blades is mounted on the spindle 84 for rotation therewith. In the illustrated construction,
		opening space 42 (FIG. 4)."	as shown in FIGS. 3 and 4, each blade set includes a lower, leading blade 92 and an upper, trailing blade
		.530 Patent col. 3, Il. 45-47; "A single spindle 84	96. The leading blade 92 has a leading cutting edge
		(FIG. 4) is mounted for rotation about a generally   vertical axis within the space 42 defined by the deck	and an upwardly angled trailing edge or lift.  Preferably, the lift of the leading blade 92 is angled
		38."	upwardly at an angle of approximately forty-five degrees. The trailing blade 96 has a leading cutting

#	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
	11.1	'530 Patent Figs 4 & 6: Showing a deck (38) that forms a downwardly opening space (42).	edge for cutting clippings deflected upwardly by the lift of the leading blade 92. The blades are preferably identical to those disclosed in US natent application
		'312 Patent col. 5, 11. 48-50: "With reference to FIGS. 9 and 10, each of the cutting deck assemblies 156 and	Ser. No. 08/787,382, filed Jan. 22, 1997, titled "ROTARY LAWN MOWER MULCHING DECK"
		158 includes a single spindle mulching deck 160 defining a downwardly opening space."	and assigned to the assignee hereof. In alternative embodiments of the invention, different blade arrangements can be employed. Col. 3:51-65.
			'312 Patent:
			"With reference to FIGS. 9 and 10, each of the cutting deck assemblies 156 and 158 includes a single spindle mulching deck 160 defining a downwardly opening space." Col. 5:48-50.
			Patent Claims:
			'530 Patent:
			Claim 1(relevant representative portions):
			"single spindle cutting deck defining a downwardly opening space, a single spindle mounted for rotation about a generally vertical axis within the space, at least one cutting blade mounted on the spindle for rotation therewith" Col. 4:59-64.
			Claim 6 (relevant representative portions):
			"the trailing blade extending at a non-perpendicular angle relative to the leading blade so that clippings coming off the trailing edge of the leading blade are
	The second secon	Accessed to the second	cut immediately by the trailing blade <i>before the</i> clippings start swirling around within the space."

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## REVISED JOINT CLAIM CONSTRUCTION STATEMENT

REVISED TABLE OF CLAIM TERMS

#	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
			Col. 5:34-36 (emphasis added).
			'311 Patent:
···			Claim 10 (relevant representative portions):
			"wherein each of said front and rear deck assemblies has at least one cutting blade mounted on a spindle for rotation therewith"
			Col. 6:27-30.
			Abstract:
			"each of the front and rear deck assemblies including a single-spindle mulching deck defining a downwardly opening space"
9.	"roller extends	Proposed Construction	Proposed Construction
	substantially the entire width of the deck"	The words in this phrase use their ordinary and accustomed meaning and require no construction by the Court. However, if the Court determines that	This term is indefinite and not capable of construction.
	.530 Patent	they do require construction, "roller extends across substantially the entire width of the deck" means: <i>the</i>	<u>Intrinsic Evidence</u>
	claim 1	roller extends across substantially the entire width of the deck, but is not required to be exactly as wide as	Specification:
	claims 2 and 10 <sup>4</sup>	the deck.	Summary of the Invention:
		This limitation does not recite, and therefore does not require: a roller that extends across the full width of the deck; or any other unrecited limitations.	The summary of the invention for all three patents explains that the invention provides a gang-type rotary lawn mower where "each of the front and rear deck assemblies includes a rear roller extending

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<sup>4</sup> ;311 Patent claim 10 uses the phrase "said roller extending substantially across the entire width of said cutting path."

#	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
		<u>Intrinsic Evidence</u>	between the side plates and supporting the side plates for movement over the ground." Col. 1:38-49.
		Patent Specifications:	
		631) Datest on 1 11 1/1.56. "Rock of the front and	"The roller extends across substantially the entire
		rear deck assemblies includes a pair of laterally-	width of the deck. The roller resists scalping and strines the grass, both of which are aesthetically
		spaced, generally vertically-extending side plates,	desirable." Col. 1:54-56.
		front wheels supporting the side plates for movement	
		over the ground, and a rear roller extending between	"This construction enables the lawn mower to cut the
		the side plates and supporting the side plates for movement over the ground.	undulating terrain of a golf course rough and to be
·		across substantially the entire width of the deck. The	controlled for close trimming. Also, as mentioned
		roller resists scalping and strines the grass, both of	above, the lawn mower requires much less
		which are aesthetically desirable."	maintenance than the reel mowers instorically used to cut a golf course rough." Col. 2:4-9.
		530 Patent col. 3. II. 16-21: "A rear roller 58 extends	
		between the side plates 46 and 48 and also supports	Description of the Drawings:
		the side plates 46 and 48 and the deck 38 for	Figures 2, 3, and 5 are incorporated herein by
		the deck 38 and extends across substantially the	reference.
		entire width of the deck 38. The roller 58 resists	Description of the Preferred Embodiment:
		scalping and stripes the grass."	
		.530 Patent Figs. 2, 3 & 5: Showing a roller (58)	"A rear roller 58 extends between the side plates 46
		substanti	and 48 and also supports the side plates 46 and 48 and the deck 38 for movement over the ground. The
		deck (38).	roller 58 is behind the deck 38 and extends across
		'312 Patent col. 5, ll. 60-65: "A continuous, unitary	substantially the entire width of the deck 38. The
		roller 174 extends between side plates 162 and 164	roller 58 resists scalping and stripes the grass." Col.
		and also supports side plates 162 and 164 and deck	3.10-21.
		160 for movement over the ground. In this	'317 Datent
		embodiment, roller 1/4 is positioned behind deck	יות ז מוכוני
		160 and extends substantially across the entire width	6 A continue of the 17 collection of the 17 collect
		of deck 160."	A community will all 1011er 174 exteriors between side plates 162 and 164 and also supports side plates
		'312 Patent col. 6, Il. 20-41: "An alternate	162 and 164 and deck 160 for movement over the

REVISED JOINT CLAIM CONSTRUCTION STATEME	
REVISED TABLE OF CLAIM TERMS	

#	Cloim Torm	Plaintiff's Pronosed Construction	Defendant's Proposed Construction
ŧ T	Clana Lylan	embodiment cutter deck assembly 198 is denicted in	ground. In this embodiment, roller 174 is positioned
		FIG. 11. A segmented first roller 200 is nositioned	behind deck 160 and extends substantially across the
		behind a deck 201 laterally extending a distance less	entire width of deck 160." Col. 5:60-65.
		than the width of deck 201. Segmented roller 200	
		includes a plurality of roller segments 200A, 200B,	"An alternate embodiment cutter deck assembly 198
		200C and 200D A second roller 202 is positioned	is depicted in FIG. 11. A segmented first roller 200 is
		forward of first roller 200. Second roller 202 is	positioned behind a deck 201 laterally extending a
		coupled to a side plate 203 and generally aligned with	distance less than the width of deck 201. Segmented
		an outside edge of deck 201. A third roller 204 is	roller 200 includes a plurality of roller segments
		aligned laterally with second roller 202 and	200A, 200B, 200C and 200D." Col. 6:20-24.
		positioned forward of first roller 200. Third roller 204	
		is coupled to a side plate 205 and generally aligned	"Another cutting deck assembly is depicted at
		with an outside edge of deck 201. First roller 200,	reference numeral 234 in FIG. 13. Cutting deck
		second roller 202 and third roller 204 are positioned	assembly 234 includes a plurality of separate rollers
		to define a substantially uninterrupted rolling path	236 aligned and rotatably mounted to axle 238. Axle
		206 to provide an aesthetically pleasing striping of	238 is coupled to a first side plate 242 and a second
		the grass. Second roller 202 and third roller 204 may	side plate 244. Accordingly, rollers 236 support the
		be sized such that a portion of each of these rollers	side plates and a deck 245 for movement over the
		overlaps first roller 200. Alternatively, an inner edge	ground. Rollers 236 are preferably axially spaced
		208 of second roller 202 may be aligned with an	apart a predetermined distance along axle 238 to
		outer edge 210 of first roller 200 to provide the	provide an alternate striping effect. It should be
		substantially uninterrupted roller path."	appreciated that rollers 236 are positioned such that
			they do not extend substantially across the entire
		'312 Patent col. 6, 1. 66 - col. 7, 1. 12: "Another	width of a mower deck 245. In similar fashion and in
		cutting deck assembly is depicted at reference	reference to FIG. 14, a single one-piece unitary roller
		numeral 234 in FIG. 13. Cutting deck assembly 234	246 may be incorporated to support the side plates
		includes a plurality of separate rollers 236 aligned	and deck. Roller 246 does not extend the entire width
		and rotatably mounted to axle 238. Axle 238 is	of the mower deck." Col. 6:66 – Col. 7:12.
		coupled to a first side plate 242 and a second side	
	***	plate 244. Accordingly, rollers 236 support the side	"As shown in FIG. 15, another embodiment 250 of a
		plates and a deck 245 for movement over the ground.	cutting deck assembly includes a pair of rear wheels
		Rollers 236 are preferably axially spaced apart a	252 coupled to a pair of side plates 254 and 256,
		predetermined distance along axle 238 to provide an	respectively. Rear wheels 252 function to support
	~-	alternate striping effect. It should be appreciated that	side plates 254 and 256 along with a mower deck 258
		rollers 236 are positioned such that they do not	for movement over the ground. Additionally, cutter

#	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
	**************************************	extend substantially across the entire width of a	deck assembly 250 includes a unitary, one-piece
		mower deck 245. In similar fashion and in reference	roller 260 extending between side plates 254 and 250
		to FIG. 14, a single one-piece unitary roller 246 may	a distance less than the entire width of deck 25%.
		be incorporated to support the side plates and deck.	Col. 7:13-21.
		Roller 246 does not extend the entire width of the	
		mower deck."	"FIG. 20 depicts yet another cutting deck assembly
			308 having a stepped and segmented rear roller
		'312 Patent col. 7, Il. 13-21: "As shown in FIG. 15,	assembly 310. Rear roller assembly 310 includes a
		another embodiment 250 of a cutting deck assembly	pair of outboard rollers 312 coupled to side plates
		includes a pair of rear wheels 252 coupled to a pair of	314 and 316. Rear roller assembly 310 also includes
		side plates 254 and 256, respectively. Rear wheels	an inboard set of rollers 318 positioned between side
		252 function to support side plates 254 and 256 along	plates 314 and 316 and rotatably mounted on a
		with a mower deck 258 for movement over the	stepped axle shaft 320. Rear roller assembly 310
		ground. Additionally, cutter deck assembly 250	provides a striped pattern having a width greater than
		includes a unitary, one-piece roller 260 extending	the width of a deck 322." Col. 7:59-67.
		between side plates 254 and 256 a distance less than	
		the entire width of deck 258."	Claims:
		'312 Patent col. 7, 11. 59-67: "FIG. 20 depicts yet	'530 Patent:
		another cutting deck assembly 308 having a stepped	
		and segmented rear roller assembly 310. Rear roller	Claim 1 (relevant representative portions):
		assembly 310 includes a pair of outboard rollers 312	
		coupled to side plates 314 and 316. Rear roller	"a rear roller supporting the deck for movement over
		assembly 310 also includes an inboard set of rollers	the ground, the deck having a width such that are not
		rotatably mounted on a stepped axle shaft 320. Rear	the deck." Col. 4:64-67.
		roller assembly 310 provides a striped pattern having	
		a width greater than the width of a deck 322."	Claim 4 (relevant representative portions):
		'312 Patent col. 8, 11. 7-9: "FIG. 22 includes a "V"	"the rear roller extends between the side plates and
		shaped offset, segmented roller assembly 328 similar	supports the side plates for movement over the
		to the assembly shown in FIG. 20 and depicted at	ground" Col. 5:16-18.
		reference numeral 310."	
		'312 Patent Figures 2, 3, 5, 7-9, 11, 20 and 22:	Claim 15 (relevant representative portions):
	V+++V+++++++++++++++++++++++++++++++++	ANTHORN ANTHOR	The second secon

	***************************************	The second secon	Constitution of topological actions
••••		Showing various arrangements of rollers that extend substantially across the with of the cutting deck.	"a rear roller extending between the side plates and supporting the side plates for movement over the
		Prosecution Histories:	ground, wherein the deck is located in front of the roller, and wherein the deck has a width such that the
		'530 Patent Prosecution History	roller extends across substantially the entire width of the deck." Col. 8:32-37.
·······		Amendment of July 16, 1998 at 13: "Assuming for the sake of argument that it would have been obvious	'311 Patent:
		to combine these references as proposed by the Examiner, the Applicant does not concede this, none	Claim 10 (relevant representative portions):
		of the cited references teach or suggest a cutting deck as claimed by Applicant with a roller extending	"at least one roller to support each of said deck assemblies for movement over the ground, said roller
		across substantially the entire width of the deck."	extending substantially across the entire width of said
		Amendment of July 16, 1998 at 13: "The cited	cutting paul. Col. 0:30-33.
		references do not provide an motivation to provide a cutting deck as claimed by Applicant with a roller	'312 Patent:
		extending across substantially the entire width of the deck."	Claim 1 (relevant representative portions):
· · · · · · · · · · · · · · · · · · ·		Amendment of July 16, 1998 at 13: "Given the teaching of the prior art away from a rotary deck with	"each of said front and rear deck assemblies including a deck defining a downwardly opening
		a roller extending across substantially the entire width of the deck, the combination of Smith and	space, at reast one cutting trade infomited on a spindle for rotation therewith and a first roller supporting
		Nunes would not have led one skilled in the art to Applicant's claimed construction."	said deck for movement over the ground, said first roller extending only partially across the width of said deck." Col. 8:41-42.
***************************************		Amendment of May 3, 1999 at 6: "Smith and Nunes teach that both reel mowers and rotary mowers can	Prosecution History:
		be used in gang-type mowers, but neither suggests	.530 Patent:
•••••••••••••••••••••••••••••••••••••••		using a rotary inower with a rear rotter inal extends substantially all the way across the deck."	
			Paper 6 at p. 2 and 12-13.
	e propose de la constitución de	Amendment of May 3, 1999 at 6: "If the intended purpose was cutting a golf course rough, it was not	Paper 11 at p. 5-6. Paper 15 at p. 1-2.

#	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
		thought desirable to use a frame-mounted, gang-type, single-blade rotary deck mower with each deck having a rear roller extending substantially all the way across the deck."  Amendment of May 3, 1999 at 6: "Moreover, the fact that Mountfield teaches a rear roller extending substantially all the way across the deck on a single-deck walk-behind mower does not make it obvious to use such a rear roller on a frame-mounted, gang-type, rotary deck mower as claimed by Applicant."	
		Mountfield brochure and Cracraft teach that it is well known to provide a rotary mower with a rear mounted support roller device and Mountfield specifically teaches to provide such a roller having a length as to exist substantially across the width of the cutting deck."	
		Amendment of Nov. 4, 1999 at 1:	
		"Claim 1 specifies a gang-type rotary lawn mower comprisinga rear roller supporting the deck for movement over the ground, the deck having a width such that the roller extends across substantially the entire width of the deck."	
7.	"Lifting arm"	Proposed Construction	Proposed Construction
	'530 Patent: claim 3 '311 Patent: claims 3 and 11	The words in this phrase use their ordinary and accustomed meaning and require no construction by the Court. However, if the Court determines that they do require construction, "lifting arm" means: <u>an</u>	A generally L-shaped, horizontally-extending device having inner and outer ends operable to lift the deck assembly relative to the frame, the inner end pivotally connected to the frame, the outer end pivotally